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**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**JESSICA TAPIA**, an individual;

Plaintiff,

v.

**JURUPA UNIFIED SCHOOL  
DISTRICT; TRENTON HANSEN**,  
both in his personal capacity and in his  
official capacity as the Jurupa Unified  
School District Superintendent;  
**DANIEL BROOKS**, both in his  
personal capacity and in his official  
capacity as Jurupa Unified School  
District Assistant Superintendent;

Defendants.

Case No.: 5:23-cv-00789-FMO-E

**PLAINTIFF'S NOTICE OF  
RECENT DECISION IN SUPPORT  
OF HER OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS**

The Plaintiff gives notice of a recent, related decision from the United States District Court, Southern District of California, *Elizabeth Mirabelli, an individual, & Lori Ann West, an individual, Plaintiffs, v. Mark Olson, in his official capacity as President of the EUSD Bd. of Educ., et al., Defendants.*, 2023 WL 5976992, at \*1

(S.D. Cal. Sept. 14, 2023) [Mirabelli], which was issued after the briefing on the Defendants’ Motion to Dismiss. *See* ECF Nos. 25, 28-30. The Plaintiff respectfully informs the Court of this case as it may have some bearing on this Court’s analysis concerning the Defendants’ Motion to Dismiss.

The *Mirabelli* case dealt with two public school teachers’ constitutional challenges to Escondido Union School District’s (“EUSD”) policy that required “school-wide recognition” of a student’s expressed gender identity and required teachers to lie to parents about a student’s gender identity. *Mirabelli*, 2023 WL 5976992, at \*1. This policy mirrors aspects of the directives the Defendants issued against the Plaintiff in the instant Action. *See* ECF No. 22, FAC, ¶¶ 5 (“The directives required Ms. Tapia lie to parents about their children’s gender identity, refer to students by their preferred pronouns . . . .”). Of note, the court in *Mirabelli* granted the plaintiff teachers’ preliminary injunction, thereby enjoining the EUSD policy. *Mirabelli*, 2023 WL 5976992, at \*18. The court also denied the EUSD defendants’ and the State-level defendants’ motion to dismiss, rejecting their failure to state a claim argument and their Eleventh Amendment and qualified immunity defenses. *Id.* at \*17, \*19.

Because the Defendants in the instant Action primarily rely on immunity defenses in their Motion to Dismiss and because the *Mirabelli* court rejected similar arguments related to immunity, the Plaintiff respectfully asks that this Court consider the *Mirabelli* court’s decision.

Respectfully Submitted,

Dated: September 19, 2023

ADVOCATES FOR FAITH & FREEDOM

*Julianne Fleischer*

Julianne Fleischer  
Attorneys for Plaintiff. Jessica Tapia

